

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-14-06

WHEREAS, **LAZARO BOMBALIER** applied to Community Zoning Appeals Board 14 for the following:

- (1) AU to EU-M
- (2) Applicant is requesting to permit a single-family residence on proposed Lot 1, Block 2 setback 65' from the front (east) property line (50' maximum permitted).
- (3) Applicant is requesting to waive the zoning regulations requiring half section line rights-of-way to be 70' wide; to permit 25' (35' required) of dedication for the west half of S.W. 132 Avenue.
- (4) NON-USE VARIANCE OF SUBDIVISION REGULATIONS to permit a residential development without sidewalks and street lighting (sidewalks & street lights required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) and requests #2 & #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #4 may be considered under Chapter 28 §19A of the Public Works Code.

Plans are on file and may be examined in the Zoning Department entitled "Bombalier," as prepared by Kelley Engineers of Dade consisting of Sheet 1 dated stamped received 9/15/05 and Sheet A-1 dated stamped received 12/20/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the east ½ of Tract 14, in the NW ¼ of Section 2, Township 56 South, Range 39 East of TROPICO, Plat book 2, Page 57 AND: The north ½ of the east ½ of Tract 14, in the NW ¼ of Section 2, Township 56 South, Range 39 East of TROPICO, Plat book 2, Page 57.

LOCATION: The west side of S.W. 132 Avenue & approximately 660' north of S.W. 192 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that

requests for a district boundary change (Item #1), to permit a single-family residence on proposed Lot 1, Block 2 setback 65' from the front (east) property line (Item #2), to waive the zoning regulations requiring half section line rights-of-way to be 70' wide; to permit 25' of dedication for the west half of S.W. 132 Avenue (Item #3), and to permit a non-use variance of subdivision regulations to permit a residential development without sidewalks and street lighting (Item #4) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB14-45-05, and

WHEREAS, LAZARO BOMBALIER appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

- (1) AU to EU-M
- (2) Applicant is requesting to permit a single-family residence on proposed Lot 1, Block 2 setback 65' from the front (east) property line (50' maximum permitted).
- (3) Applicant is requesting to waive the zoning regulations requiring half section line rights-of-way to be 70' wide; to permit 25' (35' required) of dedication for the west half of S.W. 132 Avenue.
- (4) NON-USE VARIANCE OF SUBDIVISION REGULATIONS to permit a residential development without sidewalks and street lighting (sidewalks & street lights required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family & Duplex Dwellings) & approval of requests #2-#4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Bombalier," as prepared by Kelley Engineers of Dade consisting of Sheet 1 dated stamped received 9/15/05 and Sheet A-1 dated stamped received 12/20/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the east ½ of Tract 14, in the NW ¼ of Section 2, Township 56 South, Range 39 East of TROPICO, Plat book 2, Page 57 AND: The north ½ of the east ½ of Tract 14, in the NW ¼ of Section 2, Township 56 South, Range 39 East of TROPICO, Plat book 2, Page 57.

LOCATION: The west side of S.W. 132 Avenue & approximately 660' north of S.W. 192 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That the Property shall be developed with no more than six (6) lots in substantial compliance with the "Proposed Site Plan" prepared by Jose Fuxa consisting of one (1) sheet dated March 30, 2006.
2. That subject to County approval, the street providing access to the interior lots to be located on the Property shall not extend through the west property line of the Property.
3. That subject to County approval, wherever a wall is not existing on the Property, the Owner shall construct a six (6) foot masonry perimeter wall along the north, west, and south property lines of the Property; said wall shall not be a pre-fabricated wall.
4. That a continuous buffer of 15' mahogany trees at time of planting located at 30' on center intervals shall be installed by Owner along the south and north property lines. The landscaping and any common areas shall be maintained at no cost to the County through the establishment of a homeowner's association or other funding mechanism, if approved by the County.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB14-45-05 and that the appeal should be approved and the decision of Community Zoning Appeals Board 14 should be overruled, and

WHEREAS, a district boundary change to EU-S in lieu of the requested district boundary change to EU-M (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requests to permit a single-family residence on proposed Lot 1, Block 2 setback 65' from the front (east) property line (Item #2), and to waive the zoning regulations requiring half section line rights-of-way to be 70' wide; to permit 25' of dedication for the west half of S.W. 132 Avenue (Item #3), and that the requested non-use variance of subdivision regulations to permit a residential development without street lighting, and a portion of the request to require sidewalks only on 132 Avenue (Item #4) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that a portion of the requested non-use variance of subdivision regulations to permit a residential development without sidewalks along the half section line would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 14, accept the proffered covenant, approve Item #1, approve Items #2 and 3, approve #4 to waive street lights, approve a portion of Item #4 to require sidewalks only on 132 Avenue, and deny a portion of Item #4 without prejudice to waive sidewalks along the half section line was offered by Commissioner Katy Sorenson, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Audrey M. Edmonson	absent	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and that the decision of Community Zoning Appeals Board 14 is overruled.

BE IT FURTHER RESOLVED that a district boundary change to EU-S in lieu of the requested district boundary change to EU-M (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requests to permit a single-family residence on proposed Lot 1, Block 2 setback 65' from the front (east) property line (Item #2), and to waive the zoning regulations requiring half section line rights-of-way to be 70' wide; to permit 25' of dedication for the west half of S.W. 132 Avenue (Item #3) be and the same are hereby approved, and that the requested non-use variance of subdivision regulations to permit a residential development without street lighting, and a portion of the request to require sidewalks only on 132 Avenue (Item #4) be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the approval of the non-use variance of subdivision regulations to permit a residential development without street lighting (Item #4) is predicated on the following:

- A. That there are special circumstances affecting the property and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

- C. That the granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

BE IT FURTHER RESOLVED that a portion of Item #4 to waive sidewalks along the half section line be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-45-05 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 27th day of April, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-9-CZ14-3

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
By **KAY SULLIVAN**
Deputy Clerk

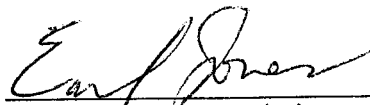
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 4TH DAY OF MAY, 2006.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-14-06 adopted by said Board of County Commissioners at its meeting held on the day of April 27, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 4th day of May, 2006.



Earl Jones, Deputy Clerk (4149)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center

111 NW 1st Street • Suite 1210

Miami, Florida 33128-1902

T 305-375-2800

miamidade.gov

May 4, 2006

Lazaro Bombalier
c/o Anthony Recio
2665 South Bayshore,
Drive, Suite 420
Miami, Florida 33133

Re: Hearing No. 05-9-CZ14-3
Location: The west side of S.W. 132 Avenue &
approximately 660' north of S.W. 192 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-14-06, adopted by the Board of County Commissioners, which **granted your appeal, accepted your Declaration of Restrictions, approved your request for a district boundary change to EU-S (Item #1) approved Items #2 and 3, and approved a portion of Item #4 to permit a residential development without street lighting, and a portion of the request to require sidewalks only on 132 Avenue** on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **May 4, 2006**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer